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ECG

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NADIM KHOURI KLINK, an individual,
and PC DESIGN SARL, a foreign business
entity,

Plaintiffs,

vs.

M&H PERFUMES, INC., A New York corporation,
d/b/a M&H PERFUMES d/b/a SHALIMAR
PERFUMES, INC.; **N. TILANI FRAGRANCES,**
INC., a New York corporation, d/b/a N. TILANI
FRAGRANCE; **AKB PERFUME, INC.**, a New York
corporation, d/b/a AKB PERFUME d/b/a TOP
QUALITY PRODUCTS; **TOP QUALITY**
PRODUCTS, INC., a New York corporation, d/b/a
TOP QUALITY PRODUCTS d/b/a AKB PERFUME;
METRO PERFUME, INC., a New York corporation
d/b/a METRO PERFUME; **ORKAY ENTERPRISES,**
INC., a New York corporation, d/b/a ORKAY
ENTERPRISES; **G.N. PERFUMES, INC.**, a New
York corporation d/b/a G.N. PERFUMES; **TK**
PERFUMES, INC. a New York corporation, d/b/a TK
PERFUMES and DOES 1-10,

Defendants.

Case No. 08-cv-4243 (TPG)

**STIPULATED CONSENT
PRELIMINARY INJUNCTION AND
ORDER CONFIRMING SEIZURE
(Filed Under Seal)**

WHEREAS, this action having been commenced by the Plaintiffs, PC Designs SARL ("PC Designs") and Nadim Khouri Klink ("Klink") (collectively the "PC Plaintiffs") against the Defendant, N. Tilani Fragrances Inc., a New York corporation d/b/a N. Tilani Fragrances ("N.

Tilani Fragrance”) alleging *inter alia*, trademark counterfeiting and trademark infringement, and false designation of origin and a copy of the Summonses, Complaint, Temporary Restraining Order and Seizure Order and supporting papers having been served upon N. Tilani Fragrance:

IT IS STIPULATED, ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction of the subject matter of all counts of this action and over all of the named parties hereto.

2. Klink is the owner of the following trademark (the “Cuba Mark”) in connection with quality fragrance products:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
CUBA	2,248,555	June 1, 1999

4. N. Tilani Fragrance and its respective officers, agents, servants, employees and attorneys, and all persons in active concert and participation with them are hereby restrained and enjoined, pending termination of this action from, intentionally and/or knowingly:

- A. manufacturing or causing to be manufactured, importing, advertising, or promoting, distributing, selling or offering to sell counterfeit and infringing goods; bearing the Cuba Mark;
- B. using the Cuba Mark in connection with the sale of any unauthorized goods;
- C. using any logo, and/or layout which may be calculated to falsely advertise the services or products of N. Tilani Fragrance as being sponsored by, authorized by, endorsed by, or in any way associated with the Plaintiffs;
- D. falsely representing themselves as being connected with the Plaintiffs, through sponsorship or association,
- E. engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of N.

Tilani Fragrance, is in any way endorsed by, approved by, and/or associated with the Plaintiffs;

- F. using any reproduction, counterfeit, copy, or colorable imitation of the Cuba Mark in connection with the publicity, promotion, sale, or advertising of any goods sold by N. Tilani Fragrance, including, without limitation, quality fragrance products;
- G. affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent N. Tilani Fragrance's goods as being those of the Plaintiffs, or in any way endorsed by the Plaintiffs;
- H. offering such goods in commerce; and from otherwise unfairly competing with the Plaintiffs.
- I. secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting or displaying of all unauthorized products which infringe the Cuba Mark; and
- J. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (A) through (I).

4. In furtherance of the Order executed on May 7, 2008, United shall, within ten (10) days of its signature below, surrender to Plaintiffs the following:

- A. All merchandise bearing counterfeits of the Cuba Mark presently in its possession or control;
- B. The identity of its supplier(s) of the counterfeit CUBA merchandise,

including name(s), address(es), telephone number(s), etc.; and

C. Records indicating its purchases and sales of merchandise bearing the Cuba Mark, including the prices for which it bought and sold such merchandise.

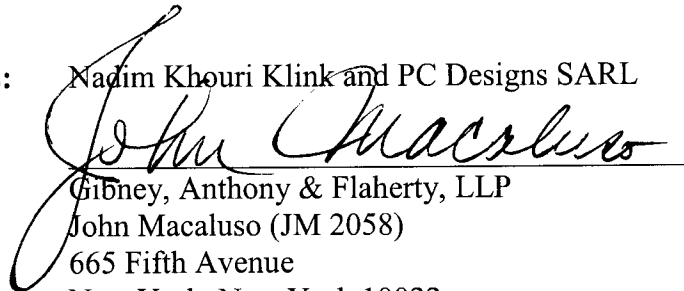
The above listed information and documentation shall be delivered to Plaintiffs, in care of John Macaluso located at Gibney, Anthony & Flaherty, LLP, 665 Fifth Avenue, New York, NY 10022.

5. The \$10,000.00 bond posted by the Plaintiffs in compliance with the Order To Show Cause shall be released.

6. The seizure effectuated on May 13, 2008 pursuant to this Court's Order is hereby confirmed.

Dated: May 19, 2008.

Plaintiffs: Nadim Khouri Klink and PC Designs SARL


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Dated: May 16, 2008.

Defendant: N. Tilani Fragrances Inc., a New York corporation,
d/b/a N. Tilani Fragrances

Naresh T. Tilani

Printed Name: NARESH TILANI

Title: President

1193 Broadway, Store #5
New York, New York 10001
Telephone: 212-889-1044
Facsimile: 212-889-0600

IT IS SO ORDERED:

Dated: May 19, 2008

Thomas P. Griesa

UNITED STATES DISTRICT JUDGE